

Earl F Hale Jr
mediator arbitrator

4144 North Central Expressway
Suite 225
Dallas Texas 75204
Tel 214 515 0199
Fax 214 515 0192
Email efhale@earlhale.com
Website: www.earlhale.com

August 2, 2006

Facsimile:

To: Monica Mosley Facsimile:
Re: Case No. 5:05-cv-00165-TJW, The Post Confirmation Trust vs. Digital
Exchange Systems, Inc. (Eastern District-Texarkana)

05-835 SLR

From: Earl F. Hale, Jr. Mailed: no

Message: Dear Ms. Mosley, you asked for the status of this mediation. You will see from the style that the cases I mediated were carried under the style of the case in the Eastern District, Texarkana Division, but I was aware of the Delaware proceedings. The Dean Foods component did not settle at mediation. I checked today with local counsel for Dean Foods and he reported that the case had not yet settled. He reported (as he said he would confirm to you as well) that the case should probably proceed as a litigated matter. I did not speak with counsel for the plaintiff Trust. I offered to be available if the parties were interested in continuing to explore settlement. Let me know if you or the Court have further questions. Thank you.

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